

HB0075S02 compared with HB0075S01

~~text~~ shows text that was in HB0075S01 but was deleted in HB0075S02.

text shows text that was not in HB0075S01 but was inserted into HB0075S02.

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Representative Jeffrey D. Stenquist proposes the following substitute bill:

MUNICIPAL ALTERNATIVE VOTING METHODS PILOT PROJECT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: ~~_____~~ Curtis S. Bramble

Cosponsors: Mike Winder

Jennifer Dailey-Provost

LONG TITLE

General Description:

This bill amends provisions relating to the Municipal Alternative Voting Methods Pilot Project.

Highlighted Provisions:

This bill:

- ▶ provides that the legislative body of a municipality makes the determination to participate in the pilot project;

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- ▶ subject to an exception, requires a county where a municipality is located to administer instant runoff voting for a municipality participating in the pilot project;
- ▶ repeals a provision allowing contracting, to conduct an election, with a county where the municipality is not located; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

20A-4-602, as last amended by Laws of Utah 2019, Chapter 305

20A-5-400.1, as last amended by Laws of Utah 2019, Chapter 305

63I-2-220, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 17

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-4-602** is amended to read:

20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --

Participation.

(1) There is created the Municipal Alternate Voting Methods Pilot Project.

(2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.

(3) (a) A municipality may participate in the pilot project, in accordance with the requirements of this section and all other applicable provisions of law, during any odd-numbered year that the pilot project is in effect, if, before ~~[April 15]~~ the second Monday in May of the odd-numbered year, the legislative body of the municipality:

(i) votes to participate; and

(ii) provides written notice to the lieutenant governor~~[-(i)]~~ and the county clerk stating that the municipality intends to participate in the pilot project for the year specified in the notice~~[-and]~~.

~~[(ii) that includes a document, signed by the election officer of the municipality, stating that the municipality has the resources and capability necessary to participate in the pilot~~

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project.]

(b) [A] The legislative body of a municipality that provides the notice of intent described in Subsection (3)(a) may withdraw the notice of intent, and not participate in the pilot project, if the legislative body of the municipality provides written notice of withdrawal to the lieutenant governor and the county clerk before [~~April 15~~] the second Monday in May.

(c) ~~If~~ Except as provided in Subsection (3)(d), if the legislative body of a municipality votes to participate in the pilot project and provides the notice described in Subsection (3)(a)(ii), the county where the municipality is located:

(i) shall administer the election, for the municipality, as described in this part; ~~and~~

(ii) may not refuse to contract to administer the election for the municipality in accordance with the provisions of this part; ~~and~~

(iii) may not charge the municipality an amount that exceeds the actual cost of administering the election for the municipality in accordance with the provisions of this part.

(d) Subsection (3)(c) does not apply to a county that does not conduct any elections for the municipality.

(4) The lieutenant governor shall maintain, in a prominent place on the lieutenant governor's website, a current list of the municipalities that are participating in the pilot project.

(5) (a) An election officer of a participating municipality shall, in accordance with the provisions of this part, conduct a multi-candidate race during the municipal general election using instant runoff voting.

(b) Except as provided in Subsection 20A-4-603(9), an election officer of a participating municipality that will conduct a multi-candidate race under Subsection (5)(a) may not conduct a municipal primary election relating to that race.

(c) A municipality that has in effect an ordinance described in Subsection 20A-9-404(3) or (4) may not participate in the pilot project.

(6) Except for an election described in Subsection 20A-4-603(9), an individual who files a declaration of candidacy or a nomination petition, for a candidate who will run in an election described in this part, shall file the declaration of candidacy or nomination petition during the office hours described in Section 10-3-301 and not later than the close of those office hours, no sooner than the second Tuesday in August and no later than the third Tuesday in August of an odd-numbered year.

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Section 2. Section 20A-5-400.1 is amended to read:

20A-5-400.1. Contracting with an election officer to conduct elections -- Fees -- Contracts and interlocal agreements -- Private providers.

(1) (a) In accordance with this section, a local political subdivision may enter into a contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct an election.

(b) If the boundaries of a local political subdivision holding the election extend beyond a single local political subdivision, the local political subdivision may have more than one provider election officer conduct an election.

~~[(c) Subject to Subsection (1)(d), and upon approval by the lieutenant governor, a municipality may enter into a contract or agreement under Subsection (1)(a) with any local political subdivision in the state, regardless of whether the municipality is located in, next to, or near, the local political subdivision, to conduct an election during which the municipality is participating in the Municipal Alternate Voting Methods Pilot Project.]~~

~~[(d) (i) Subsection (1)(c) only applies to an election held in 2019:]~~

~~[(ii) If a municipality enters into a contract or agreement, under Subsection (1)(c), with a local political subdivision other than a county within which the municipality exists, the municipality, the local political subdivision, and the county within which the municipality exists shall enter into a cooperative agreement to ensure the proper functioning of the election.]~~

(2) A provider election officer shall conduct an election:

- (a) under the direction of the contracting election officer; and
- (b) in accordance with a contract or interlocal agreement.

(3) A provider election officer shall establish fees for conducting an election for a contracting election officer that:

- (a) are consistent with the contract or interlocal agreement; and
- (b) do not exceed the actual costs incurred by the provider election officer.

(4) The contract or interlocal agreement under this section may specify that a contracting election officer request, within a specified number of days before the election, that the provider election officer conduct the election to allow adequate preparations by the provider election officer.

(5) An election officer conducting an election may appoint or employ an agent or

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professional service to assist in conducting the election.

Section 3. Section **63I-2-220** is amended to read:

63I-2-220. Repeal dates -- Title 20A.

(1) On January 1, 2021:

(a) Subsection 20A-1-201.5(1), the language that states "Except as provided in Subsection (4)," is repealed.

(b) Subsection 20A-1-201.5(4) is repealed.

(c) Subsections 20A-1-204(1)(a)(i) through (iii) are repealed and replaced with the following:

"(i) the fourth Tuesday in June; or

(ii) the first Tuesday after the first Monday in November."

(d) In Subsections 20A-1-503(4)(c), 20A-9-202(3)(a), 20A-9-403(3)(d)(ii), 20A-9-407(5) and (6)(a), and 20A-9-408(5), immediately following the reference to Subsection 20A-9-202(1)(b), the language that states "(i) or (ii)" is repealed.

(e) Subsection 20A-9-202(1)(b) is repealed and replaced with the following:

"(b) Unless expressly provided otherwise in this title, for a registered political party that is not a qualified political party, the deadline for filing a declaration of candidacy for an elective office that is to be filled at the next regular general election is 5 p.m. on the first Monday after the third Saturday in April."[:];

(f) Subsection 20A-9-409(4)(c) is repealed and replaced with the following:

"(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after the third Saturday in April."

(2) Subsection 20A-5-803(8) is repealed July 1, 2023.

(3) Section 20A-5-804 is repealed July 1, 2023.

~~[(4) On January 1, 2026:]~~

~~[(a) In Subsection 20A-1-102(18)(a), the language that states "or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]~~

~~[(b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(c) In Section 20A-1-304, the language that states "Except for a race conducted by~~

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~~instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(d) In Subsection 20A-3a-204(1)(a), (c), or (d), the language that states "except as provided in Subsection (6)," is repealed.]~~

~~[(e) Subsection 20A-3a-204 (5)(b), the language that states "subject to Subsection (6)," is repealed.]~~

~~[(f) Subsection 20A-3a-204(6) is repealed and the remaining subsections in Section 20A-3a-204 are renumbered accordingly.]~~

~~[(g) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in Subsection (2)(f)," is repealed.]~~

~~[(h) Subsection 20A-4-101(2)(f) is repealed.]~~

~~[(i) Subsection 20A-4-101(3) is repealed and replaced with the following:]~~

~~["(3) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of Section 20A-4-105.".]~~

~~[(j) In Subsection 20A-4-102(1)(b), the language that states "or a rule made under Subsection 20A-4-101(2)(f)(i)" is repealed.]~~

~~[(k) Subsection 20A-4-102(1)(c) is repealed and replaced with the following:]~~

~~["(b) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of Section 20A-4-105.".]~~

~~[(l) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection 20A-4-101(2)(f)(i)" is repealed.]~~

~~[(m) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(n) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3a-204(6), or Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(o) In Subsections 20A-4-105(3), (4), and (11), the language that states "Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(p) In Subsection 20A-4-106(2), the language that states "or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]~~

~~[(q) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Part~~

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~~6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(r) Subsection 20A-4-304(2)(e) is repealed and replaced with the following:]~~

~~["(v) from each voting precinct:]~~

~~[(A) the number of votes for each candidate; and]~~

~~[(B) the number of votes for and against each ballot proposition;"]~~

~~[(s) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1) are renumbered accordingly, and the cross-references to those subsections are renumbered accordingly.]~~

~~[(t) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is repealed:]~~

~~[(u) Subsections 20A-5-400.1(1)(c) and (d), relating to contracting with a local political subdivision to conduct an election, is repealed:]~~

~~[(v) In Section 20A-5-802, relating to the certification of voting equipment:]~~

~~[(i) delete "Except as provided in Subsection (2)(b)(ii):" from the beginning of Subsection (2); and]~~

~~[(ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered accordingly.]~~

~~[(w) Section 20A-6-203.5 is repealed:]~~

~~[(x) In Subsections 20A-6-402(1) and (2), the language that states "Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(y) In Subsection 20A-9-203(3)(a)(i), the language that states "or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]~~

~~[(z) In Subsection 20A-9-203(3)(c)(i), the language that states "except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(aa) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]~~

~~[(bb) In Subsection 20A-9-404(2), the language that states "Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed:]~~

(4) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is

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repealed January 1, 2026.

(5) Section 20A-7-407 is repealed January 1, 2021.

(6) Section 20A-1-310 is repealed January 1, 2021.

Section 4. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.